

### **REMARKS**

This amendment is submitted under the provisions of 37 CFR 1.116 and is responsive to the Office Action dated June 9, 2004 pursuant to which all the claims in the case (i.e., claims 1, 3 and 5 - 11) stand finally rejected under 35 USC 103(a).

Per this amendment, claim 6 has been canceled as the sum and substance of this claim was previously included in claim 1 by applicant's amendment filed December 4, 2003. Therefor, the claims now present for consideration are claims 1, 3, 5 and 7-11.

US Patent 4,690,967 to LaGarde, et. al. has been combined with US Patents 6,197,359 B to Llorente Hompenera, 3,310,521 to White and 6,063,894 to Phipps, et.al as well as with Japanese Abstract 73,014,145 B assigned to Osaka Titanium Co. to support the 35 USC 103(a) rejection of all the claims now under consideration.

This rejection is respectfully traversed and its reconsideration is respectfully solicited.

The patent to LaGarde, et.al. discloses organopolysiloxane compounds obtained by incorporating a plurality of additives into hot silicone compositions. (Col. 3, ll. 43-46) The compositions contain an organopolysiloxane gum reinforcing additive; an organic peroxide; and, at least 3 out of 4 fillers selected from the group of fillers consisting of an organohydrogenpolysiloxane, an organofluorinated polymer, an organopolysiloxane compound and a boron compound. (Col. 3, l. 63-Col. 4, l. 7). The compositions are obtained using known mechanical mixing means followed by heat curing and post-heat curing. (Col. 12, ll. 7-37). The products obtained include gaskets, sections, tubes, sealing rings, headlamp lenses, sparkplug caps, door and window frame seals, seals for oven and refrigerator products, tubes for blood transfusions and dialysis, nipples, plugs and plates for food insulation (i.e.; hot plates) (Col.12, ll. 59-55 and Col. 13, ll. 3-9).

There is no suggestion, much less disclosure, in the LaGarde, et.al patent of a flexible and foldable mould useful for baking a food product nor a means for removing the odor of a peroxide cross-linking agent by rinsing the formed mould with boiling water nor cleaning the rinsed mould by subjecting it to ultrasonic treatment all as set forth in applicant's claimed invention. In addition, the LaGarde composition includes at least 3 to 4 fillers whereas applicant's process does not include any fillers.

The Llorente Hompenera patent discloses using a methyl-vinyl-polysiloxane to produce baking and confectionery molds (Col. 2, ll. 20 - 24 and 65 - 67). The methyl-vinyl-polysiloxane mold is obtained by a cross-linking

process using platinum as a cross-linking agent (Col. 3, ll. 34 - 50) as it does not produce toxic peroxide residues or odors (Col. 4, ll. 3 - 6). The polymerization process includes molding the ethyl-vinyl-polysiloxane in the presence of the platinum cross-linking agent at an elevated temperature to obtain a mold; post-curing the mold in a hot air oven or forced circulation oven; and, placing the post-cured product in an industrial washer/dryer (Col. 4, ll. 11 - 21).

The use of platinum as a cross-linking agent in the Llorente Hompenera process instead of a peroxide is submitted to be a teaching directly away from applicant's claimed process. Furthermore, applicant's claimed process includes rinsing the molded product obtained in boiling water, not in an industrial washer/dryer. There is no suggestion, much less disclosure, in the Llorente Hompenera patent of exposing the product to ultrasonic treatment.

The patent to White discloses a curable organopolysiloxane composition having controlled flow to produce dental impressions and protective mouthpieces. (Col. 1, ll. 9-15). The composition ingredients include a curable organopolysiloxane polymer, a peroxide curing agent, a reinforcing silica filler and a flowable, resilient reaction product of a polyorganopolysiloxane, a boron-oxygen compound, and ferric chloride. (Col. 1, ll. 62-67) The compositions are obtained by forming a uniform mixture of the polyorganosiloxane, the boron-oxygen compound and ferric chloride; heating and agitating (mixing) the mixture until its viscosity increases; then, allowing the mixture to cool to room temperature. (Col. 3, ll. 55-61)

In applicant's claimed invention, the mould obtained involves the reaction of only two components, not four components as in the patent to White. Furthermore, the controlled, flowable dental impression and protective mouthpiece products of the White patent have no resemblance to the flexible and foldable cooking and baking mould of applicant's invention. There is no suggestion, much less disclosure, in the White patent of rinsing a moulded product in boiling water to remove peroxide odors nor of cleaning the mould by exposing it to ultrasonic treatment.

The patent to Phipps, et.al. discloses a process for removing impurities from polymers by contacting them with a cavitable liquid in the presence of ultrasonic energy (Col. 2, ll. 7 - 24).

The mould product obtained in applicant's claimed invention is subjected to ultrasonic treatment to clean the mould, not remove impurities. In addition, applicant's claimed process does not include the use of a cavitable liquid during the ultrasonic treatment as is *required* in the Phipps, et.al. process.. There is no suggestion, much less disclosure, in the Phipps, et.al. patent of producing silicone baking moulds which are the products of applicant's claimed invention.

The Japanese Abstract discloses washing a silicon wafer used as a semiconductor element. The continuous washing of the silicone wafer includes:

- dipping the wafer in a non-combustible volatile solvent having a boiling point of less than 100 C;
- washing the dipped wafer ultrasonically;
- dipping the ultrasonically washed wafer in water heated to the boiling point of the organic solvent to evaporate the organic solvent;
- dipping the solvent free wafer in pure water; and,
- subjecting the wafer to additional ultrasonic treatment.

It is respectfully submitted that the silicone wafer of the Japanese Abstract can not be equated with the silicone elastomer of applicant's claimed invention nor does the Japanese Abstract suggest or disclose the use of any cross-linking agent. In addition, the silicone wafer semiconductor elements of the Japanese Abstract are rigid products, not flexible and foldable moulds for baking food products as in applicant's claimed invention. Furthermore, the process of the Japanese Abstract does not include the use of boiling water as in applicant's process whereas applicant's process does not include the use of any type of solvent. Finally, applicant's process uses only one ultrasonic treatment, not two as disclosed in the Japanese Abstract.

In support of the rejection of the claims presently in this case, *five* references have been combined in an effort to find applicant's claimed invention "obvious". It is respectfully submitted that such a combination supports novelty, not obviousness. Since references relied upon to support an "obviousness" rejection should be relied upon for what they *fairly* disclose in their entirety to one skilled in the art, it is further respectfully submitted that the effort to pick and choose from these five references only the portions of applicant's claimed method not only distorts the disclosed reference invention, but still fails to combine them in such a way as to render applicant's claimed invention "obvious"

In view of the present amendment and in light of the foregoing remarks it is respectfully submitted that none of the cited and applied references, whether considered singly or in combination, render applicant's claimed invention obvious. Favorable reconsideration of this case and passing the claims herein to an early issue are, therefor, respectfully solicited.

charge any additional fees to Deposit Account No. 06-0515.

Respectfully submitted,



Stephen E. Feldman  
Attorney for Applicant(s)  
Reg. No. 22,473

12 East 41<sup>st</sup> Street  
New York, NY 10017

212-532-8585

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